

787 KAR 2:020. Confidentiality of records of the Office of Employment and Training.

RELATES TO: KRS 151B.280(3), 341.190

STATUTORY AUTHORITY: KRS 151B.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.280(3)(a) requires the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations to protect the confidential nature of records and reports which directly or indirectly identify a client or former client of programs administered by the cabinet. This administrative regulation establishes which records of the cabinet's Office of Employment and Training shall be considered confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

Section 1. The employment and service records identified in this section shall be confidential and shall not be subject to disclosure, except as provided in KRS 151B.280(3):

(1) Work opportunity tax credit:

(a) Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity Credit;

(b) ETA Form 9061, Individual Characteristics Form Work Opportunity Tax Credit; and

(c) ETA Form 9063, Employer Certification Work Opportunity Tax Credit;

(2) Trade Adjustment Assistance and Trade Re-Employment Act:

(a) TAA/TRA-855, Request for Determination of Entitlement to TAA/TRA;

(b) TAA/TRA-855A, Request for Employment Information;

(c) TAA/TRA-858, Request for Occupational/Remedial Training and Allowances While in Training;

(d) TAA-858B;

(e) ETA-9042A, Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA);

(f) TAA Certification of Training Waiver;

(g) ATAA-400A, Verification of Employment;

(h) ATAA-301, Verification of Employment for Monthly Wage Supplement ATAA;

(i) ATAA-400, Request for Alternative Trade Adjustment Assistance (ATAA);

(j) ATAA-401, ATAA Trade Certified Employer Information; and

(k) Kentucky HCTC-100, Request for Temporary KY-HCTC Bridge Grant Payment;

(3) Employ Kentucky Operating System (EKOS):

(a) Customer Services-Agency Information Screen;

(b) Customer Services-Achievement Objectives Screen;

(c) Customer Services-Services Screen;

(d) Customer Services-Service History Screen;

(e) Customer Services-Enrollments Screen;

(f) Customer Services-Outcomes Screen;

(g) Customer Services-Comments Screen;

(h) Customer Services-Audit Screen;

(i) Customer Services-Lit/Num Testing Screen;

(j) Customer Services-Follow-Up Screen;

(k) Customer Services-Youth ISS Screen;

(l) Customer Detail-Gen. Info Screen;

(m) Customer Detail-Add'l Info Screen;

(n) Customer Detail-Programs & Public Assistance Screen;

- (o) Customer Detail-Programs & Public Assistance Screen II;
- (p) Customer Detail-Objective Screen;
- (q) Customer Detail-Work His. Screen;
- (r) Customer Detail-Ed/Lic Screen;
- (s) Customer Detail-Skills Screen;
- (t) Customer Detail-Saved Searches Screen;
- (u) Customer Detail-Activities Screen;
- (v) Customer Detail-Comments Screen;
- (w) Customer Detail-Tests Screen;
- (x) Customer Detail-Tests (GATB) Popup Screen;
- (y) Customer Detail-e3 Info Screen;
- (z) Comp Assess-Employment Screen;
- (aa) Comp Assess-Education Screen;
- (bb) Comp Assess-Financial Screen;
- (cc) Comp Assess-Family Screen;
- (dd) Comp Assess-Health Screen;
- (ee) Comp Assess-Treatments Screen;
- (ff) Comp Assess-Legal Screen;
- (gg) Comp Assess-Housing Screen;
- (hh) Comp Assess-Transportation Screen; and
- (ii) Comp Assess-Comments Screen;
- (4) Workforce Investment Act Title 1, W.I.A. - 20, Eligibility and Verification; and
- (5) OET-EA1, Commonwealth of Kentucky - Microsoft Elevate America Program Voucher Request Form.

Section 2. Access to records of the Division of Unemployment Insurance shall be governed by KRS 341.190.

Section 3. Sharing of Information as authorized by law. Confidential information shall be shared only in accordance with KRS 341.190.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) Form 8850, "Pre-Screening Notice and Certification Request for the Work Opportunity Credit", rev. 6/07;
- (b) ETA Form 9061, "Individual Characteristics Form Work Opportunity Tax Credit", rev. 12/06;
- (c) ETA Form 9063, "Employer Certification Work Opportunity Tax Credit", rev. 12/06;
- (d) TAA/TRA-855, "Request for Determination of Entitlement to TAA/TRA", rev. 4/06;
- (e) TAA/TRA-855A, "Request for Employment Information", rev. 1/05;
- (f) TAA/TRA-858, "Request for Occupational/Remedial Training and Allowances While in Training", rev. 8/05;
- (g) TAA-858B, rev. 8/05;
- (h) ETA-9042A, "Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)", rev. 11/05;
- (i) "TAA Certification of Training Waiver", rev. 4/07;
- (j) ATAA-400A, "Verification of Employment", rev. 4/08;
- (k) ATAA-301, "Verification of Employment for Monthly Wage Supplement ATAA", rev. 4/08;
- (l) ATAA-400, "Request for Alternative Trade Adjustment Assistance (ATTA)", rev. 4/08;
- (m) ATAA-401, "ATAA Trade Certified Employer Information", rev. 4/08;
- (n) Kentucky HCTC-100, "Request for Temporary KY-HCTC Bridge Grant Payment", rev. 1/08;

(o) Employ Kentucky Operating System (EKOS), "Customer Services-Screens 1 through 11", rev. 5/02;

(p) Employ Kentucky Operating System (EKOS), "Customer Detail-Screens 1 through 14", rev. 5/02;

(q) Employ Kentucky Operating System (EKOS), "Comp Assess-Screens 1 through 10", 5/02; and

(r) Workforce Investment Act Title 1, "W.I.A.-20, Eligibility and Verification", rev. 10/06; and

(s) OET-EA1, "Commonwealth of Kentucky - Microsoft Elevate America Program Voucher Request Form", rev. 10/09.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Employment and Training, 275 E. Main Street, 2nd Floor, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (22 Ky.R. 498; 912; eff. 11-6-1995; 35 Ky.R. 401; 821; eff. 10-31-2008; 36 Ky.R. 1342; 1924; eff. 3-5-2010; 37 Ky.R. 141; 719; 10-1-2010; 1551; eff. 3-4-2011.)